

1 Rule 4-202.03. Records access.

2 Intent:

3 To identify who may access court records.

4 Applicability:

5 This rule applies to the judicial branch.

6 Statement of the Rule:

7 (1) Any person may access a public court record.

8 (2) No one may access a sealed court record except by order of the court. A judge may
9 review a sealed record when the circumstances warrant.

10 (3) The following may access a private court record:

11 (3)(A) the subject of the record;

12 (3)(B) the attorney for the subject of the record or an individual who has a power of attorney
13 from the subject of the record;

14 (3)(C) the parent or guardian of the subject of the record if the subject is an unemancipated
15 minor or under a legal incapacity;

16 (3)(D) a person with a notarized release from the subject of the record or the subject's legal
17 representative dated no more than 90 days before the date the request is made;

18 (3)(E) a party or attorney for a party to litigation in which the record is filed;

19 (3)(F) the person who submitted the record;

20 (3)(G) anyone by court order;

21 (3)(H) court personnel, but only to achieve the purpose for which the record was submitted;

22 (3)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

23 (3)(J) a governmental entity with which the record is shared under Rule 4-202.10.

24 (4) The following may access a protected court record:

25 (4)(A) the person or governmental entity whose interests are protected by closure;

26 (4)(B) the attorney for the person or governmental entity whose interests are protected by
27 closure or an individual who has a power of attorney from such person or governmental entity;

28 (4)(C) the parent or guardian of the person whose interests are protected by closure if the
29 person is an unemancipated minor or under a legal incapacity;

(4)(D) a person with a notarized release from the person or governmental entity whose interests are protected by closure or their legal representative dated no more than 90 days before the date the request is made;

(4)(E) a party or attorney for a party to litigation in which the record is filed;

(4)(F) the person who submitted the record;

(4)(G) anyone by or court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) The following may access a juvenile court social record:

(5)(A) all who may access private record;

(5)(B) a prosecuting attorney;

(5)(C) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record in the juvenile justice system or criminal justice system; and

(5)(D) the Division of Child and Family Services for investigations under Utah Code Section 62A-4a-409 and administrative hearings under Utah Code Section 62A-4a-116.5.

(6) The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) a public or private agency providing services to the subject of the record or to the subject's family; and

(6)(F) the victim of a delinquent act may access the disposition order entered against the defendant.

(7) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(8) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.